Remark

Applicants respectfully request reconsideration of this application as amended. Claim 13 has been amended. No claims have been canceled. Therefore, claims 1-23 are now presented for examination.

35 U.S.C. §101 Rejection

The Examiner has rejected claims 13-17 under 35 U.S.C. §101 as directed to non-statutory subject matter. Claim 13 is amended.

35 U.S.C. §102 Rejection

Klauss

The Examiner has rejected claims 1-5, 8-10, 13-15 and 18-21 under 35 U.S.C. §102(e), as being anticipated by Klauss, US Publication No. 2004/0102155 ("Klauss").

The present invention presents a specific treatment of protocols between discrete devices of the system. Claim 1 can be redacted to make this more clear as follows:

"a first tuner... to receive commands in a first protocol...;

a second tuner... to receive commands in a second protocol...;

a graphics controller to generate commands... in a third protocol...;

a microcontroller... to receive the commands.. in the third protocol... to convert the commands... to the protocol for the identified tuner, and to transmit the converted commands to the respective identified tuner... ."

The idea of the claim, as can be seen from the above, is that the commands of the graphics controller are the ones that are converted and sent to the respective tuner in either the first or the second protocol.

The Examiner insists that Krauss is anticipatory of this and the other claims. In the Examiner's reading, commands in the first protocol are the Type A Conditional Access Information from the Conditional Access Module 406. Commands in the second protocol are the Type S Conditional Access Information. Commands in the third protocol are subscriber 110 commands at user I/O device 420.

For purposes of changing channels, it appears from paragraph 53 that either the CAV 408 can supply commands to the tuners to switch channels or the microprocessor and memory 414 controls the tuners. Paragraph 55 mentions the user I/O device for accepting subscriber 110 commands but there is no other mention of the user I/O device nor of subscriber commands. The Examiner's rejection assumes that the subscriber commands to switch channels are sent to the tuners through the CAV. There is nothing in the reference to support this assumption.

For purposes of changing channels, in order to meet the claim, the subscriber commands must be converted into respective first and second protocols, depending on the tuner. The Examiner suggests that the Type A and Type S Conditional Access Information (CAI) are the first and second protocols. However, CAI has no connection to subscriber commands. The CAI has the control word (CW) that allows the downlinked video to be decrypted. (para. 42). It is received from the transponders 452 etc. of the satellites 108 (para. 63). It is accordingly, completely different from a subscriber command received through a user I/O module.

To meet the Examiner's rejection, the CAI must be sent to different tuners in different protocols. The difference between Type A CAI and Type S CAI, however, is that Type A is sent from all of the satellite transponders and Type S is sent from some subset of the satellite transponders. (para. 62). Klauss provides no other indication of any difference between Type A and Type S. Accordingly, they do not have or use different protocols.

In the Response to Arguments, the Examiner makes several responses to the points made above.

First the Examiner writes that the reference supports the position that these [CAI} are commands, "because CAV 408 receives information from the tuners regarding which satellite/transponder/channel each tuner is tuned to and to supply commands to the tuners 410 (¶53); and the verifier CAV 408, microprocessor 414 or other element of the IRD 132 compiles the CAI statistics that allows the tuner that most often receives type A CAI to be identified. The CAP contains CAI as control information which is used by the microprocessor to control the tuners (¶63)."

Applicants respectfully submit that para. 63 concerns operations at the uplink center, not at the IRD. Para. 53 simply states that the CAV is able to switch tuner channels directly or indirectly. As to rest of the Examiner's description of the reference, the Examiner simply states that a type A tuner is identified using statistics and that the CAV can switch tuner channels. The Examiner has not shown that the CAI is a command but that the CAV can issue commands, directly or indirectly. Accordingly, there is no direct connection between the Types A and Type S CAI and the commands to switch channels from the CAV.

Applicants' above points can be summarized as follows:

Klauss does not show two tunes that use two different protocols for commands.

Klauss does not show converting commands from a third protocol to first and second protocols before sending them to the tuners.

Additional distinctions also exist between Claim 1 and Klauss:

Klauss does not show a first tuner and a second tuner each "having an external control interface." Instead, the Examiner requires that they each are connected to a separate, shared interface CAV 408.

Klauss does not show a graphics controller that generates commands. The Examiner suggests that the commands come from the user or the CAV.

Klauss does not show commands being converted by a microcontroller. The Examiner's reading suggests that the commands are generated by the microcontroller and then converted by the same microcontroller. This is not disclosed and would be much less efficient than initially generating the commands in the proper protocol.

For these reasons, *inter alia,* the rejection is traversed.

35 U.S.C. §103 Rejection

Klauss and Godwin

The Examiner has rejected claims 6, 11, 16 and 22 under 35 U.S.C. §103(a), as being unpatentable over Klauss, and in further view of Godwin, US Patent No. 6,772,434 ("Godwin"). Without conceding the rejection, Applicants note simply that this rejection relies upon the Klauss rejection traversed above.

35 U.S.C. §103 Rejection

Klauss and Young

The Examiner has rejected claims 7, 12, 17 and 23 under 35 U.S.C. §103(a), as being unpatentable over Klauss, and in further view of Young, US Patent Publication No. 2003/0194968 ("Young"). Without conceding the rejection, Applicants note simply that this rejection relies upon the Klauss rejection traversed above.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

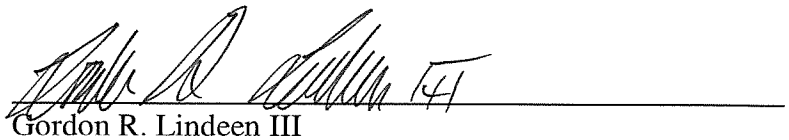
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: July 7, 2010



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